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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/592,321	06/13/2000	Brandon William Porter	TM00-003.US	7391
24488	7590	08/11/2005	EXAMINER	
BEVER, HOFFMAN & HARMS, LLP 1432 CONCANNON BLVD BLDG G LIVERMORE, CA 94550-6006			BOUTAH, ALINA A	
			ART UNIT	PAPER NUMBER
			2143	

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/592,321

Applicant(s)

PORTER ET AL

Examiner

Alina N Boutah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Response to Amendment*

This action is in response to Applicant's amendment received May 23, 2005. Claims 1-20 are pending in the present application.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,600,736 issued to Ball et al. (hereinafter Ball).

(Amended) Regarding claim 1, Ball teaches a method of preserving state for applications over a telephone interface using a voice application computer, the method comprising:

identifying a user profile over the telephone interface using the voice application computer and telephone identifying information (abstract; col. 1, lines 15-53; figure 1; col. 4, lines 5-9);

selecting a state associated with the user profile using the voice application computer, the state comprising of a plurality of cookies retrieved from other computers over a web interface

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and resulting from at least one telephone session, the state associated with the user profile

(abstract; col. 4, line 65 to col. 5, line 29; col. 9, line 33-col. 10, line 15); and

automatically providing a subset of the plurality of cookies to an application using the voice application (abstract; col. 4, line 65 to col. 5, line 29; col. 9, line 33-col. 10, line 15).

Regarding claim 2, Ball teaches the method of claim 1, wherein the automatically providing is based on a policy for a voice portal, and wherein the policy is dependent on needs of the application on the voice portal, first decisions made by at least one operator of the voice portal, and second decisions made by users of the voice portal (abstract; col. 3, line 58 to col. 4, line 61).

Regarding claim 3, Ball teaches the method of claim 1, wherein the application has a corresponding uniform resource indicator (URI) and wherein the subset of the plurality of cookies is selected according to applicability of each cookie in the plurality of cookies to the URI (abstract; col. 9, line 33-col. 10, line 15).

Regarding claim 4, although Ball does not explicitly teach the method of claim 3, wherein the applicability of a cookie for inclusion in the subset is determined according to IETF RFC 2109, it is well known in the art that cookies in general are utilized based on IETF RFC 2109 (see RFC 2109).

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Regarding claim 5, Ball teaches the method of claim 3, wherein the applicability of a cookie for inclusion in the subset is determined according to policies in a state management standard (col. 9, line 33-col. 10, line 15).

Regarding claim 6, Ball teaches the method of claim 1, further comprising storing a new cookie in the plurality of cookies, the new cookie received from the application as part of a hypertext transfer protocol (HTTP) request for a uniform resource indicator (URI) (col. 9, line 33-col. 10, line 15).

(Amended) Regarding claim 7, although Ball does not explicitly teach the method of claim 6, wherein the storing occurs responsive to verification of the new cookie by the voice application computer according to IETF RFC 2109, it is well known in the art that cookies in general are utilized based on IETF RFC 2109 (see RFC 2109).

(Amended) Regarding claim 8, Ball teaches the method of claim 6, wherein the storing occurs responsive to verification of the new cookie by the voice application computer according to policies in a state management standard (col. 9, line 33-col. 10, line 15).

Regarding claim 9, Ball teaches the method of claim 1, wherein the method further comprises verifying a password for the user profile received over the telephone interface prior to the selecting (col. 4, line 65 to col. 5, line 47).

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(Amended) Regarding claim 10, Ball teaches the method of claim 1, wherein the identifying comprises creating a user profile on the first computer. Bennett teaches creating a user profile on the voice application computer (col. 9, line 33-col. 10, line 15).

(Amended) Regarding claim 11, this is similar to claim 1, therefore is rejected under the same rationale.

Regarding claim 12, Ball teaches the apparatus of claim 11, wherein the apparatus supports a second application, the application provided by a first legal entity and the second application provided by a second legal entity (abstract; figure 1).

Regarding claim 13, the IETF fails to teach the apparatus of claim 12, wherein the plurality of cookies includes at least a first cookie set by the second application, and wherein the subset of the plurality of cookies does not include at least a first cookie (col. 9, line 33-col. 10, line 15).

(Amended) Regarding claim 14, Ball teaches a computer system to preserve state for applications over a telephone interface, the computer system comprising:

an internet interface including a first program to access a second computer system via a web interface, the second computer system including an application (abstract; figure 1);

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a telephone interface to send and receive audio signals to and from a telephone and to receive a telephone identifying information corresponding to the telephone (abstract; figure 1); and

a control subsystem to control the internet interface and the telephone interface, the control subsystem including a second program for identifying a user profile having a corresponding state, wherein the state comprises a plurality of cookies retrieved from other computer systems via the web interface, generated based on at least one telephone session and stored in the computer system (abstract; col. 4, line 65 to col. 5, line 29; col. 9, line 33-col. 10, line 15).

(Amended) Regarding claim 15, Ball teaches a computer program for a voice application computer, the computer program for preserving state for applications over a telephone interface, the computer program comprising:

a first set of instructions for receiving a telephone identifying information from the telephone interface (col. 4, lines 4-9);

a second set of instructions for identifying a user profile according to the telephone identifying information (abstract; col. 1, lines 15-53; figure 1; col. 4, lines 5-9);

a third set of instructions for selecting a state associated with the user profile, the state comprising a plurality of cookies retrieved from other computers over a web interface and resulting from at least one telephone session (abstract; col. 4, line 65 to col. 5, line 29; col. 9, line 33-col. 10, line 15);

a fourth set of instructions for storing the user profile and the state associated with the user profile (col. 9, line 32 to col. 10, line 15); and

a fifth set of instructions for automatically providing a subset of the plurality of cookies to an application, the fifth set of instructions responding to receiving a request over the telephone interface to initiate the application (abstract; col. 4, line 65 to col. 5, line 29; col. 9, line 33-col. 10, line 15).

Regarding claim 16, Ball teaches the computer program of claim 15, wherein the providing is based on a policy for a voice portal, and wherein the policy is dependent on needs of the application on the voice portal, first decisions made by at least one operator of the voice portal, and second decisions made by users of the voice portal (col. 9, line 33-col. 10, line 15).

Regarding claim 17, Ball teaches the computer program of claim 16, wherein each cookie in the plurality of cookies associated with a corresponding domain, wherein the HTTP request include an HTTP request host and wherein the subset of the plurality of cookies comprises each cookie in the plurality of cookies with a corresponding domain similar to the HTTP request host (col. 9, line 33-col. 10, line 15).

Regarding claim 18, Ball teaches the computer program of claim 15, wherein the second set of instruction further comprises a set of instructions for creating a new user profile responsive to receiving telephone identifying information not associated with an existing user profile (col. 4, line 65 to col. 5, line 47).



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Regarding claim 19, Ball teaches the computer program of claim 15, wherein the second set of instruction further comprises a set of instructions for creating a temporary user profile responsive to receiving telephone identifying information not associated with an existing user profile and wherein the computer program further comprises a fifth set of instructions for deleting the temporary user profile receiving a signal from the telephone interface signaling an end of a telephone call (col. 9, line 33-col. 10, line 15).

(New) Regarding claim 20, a method for providing an application session including state to a user over a telephone interface, the method comprising:

providing a voice portal accessible by the telephone interface, the voice portal coupled to at least one network comprising at least one application server, each application server associated with at least one application (figure 1; col. 3, line 58 to col. 4, line 29);

providing a database accessible via the voice portal, the database storing a plurality of state items, each of the state items associated with a user identify and an application (figure 1; col. 3, line 58 to col. 4, line 29);

upon receiving a call from a caller, determining a user identity associated with the caller; receiving a request from the caller for a selected application (abstract);

retrieving from the database at least one selected state item, the selected state item associated with the user identity corresponding to the caller and the selected application (abstract; figure 1; col. 3, line 58 to col. 4, line 29); and

providing the at least one selected state item to an application server associated with the selected application (abstract; col. 4, line 65 to col. 5, line 29; col. 9, line 33-col. 10, line 15).

***Response to Arguments***

Applicant's arguments filed May 23, 2005 have been fully considered but they are not persuasive.

Applicant argues that Ball fails to teach the recitation, as amended, "selecting a state associated with the user state comprising a plurality of cookies retrieved resulting from at least one telephone session, the voice application computer storing the user profile and the state associated with the user profile," the Patent Office respectfully submits that is taught in abstract; col. 4, line 65 to col. 5, line 29; and col. 9, line 33-col. 10, line 15 of Ball reference.

Moreover, Applicant argues that Ball fails to teach "identifying a user profile over the telephone interface using the voice application computer and telephone identifying information." The Patent Office submits that is taught in the abstract of the Ball reference. Specifically, the abstract discloses a telephone/IP server that translates and connects user to the web server using information associated with the end user, such as his identity, PIN and/or zip code. This information is interpreted as "a user profile" which is inherently identified in order for the telephone/IP server to connect the user to the web server.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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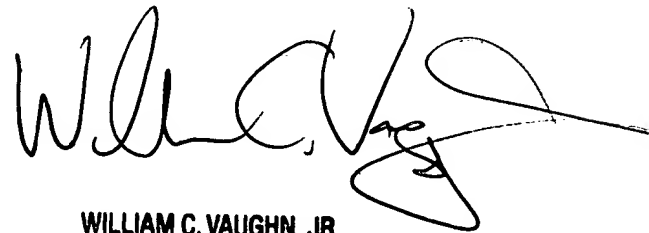
the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alina N. Boutah whose telephone number is 571-272-3908. The examiner can normally be reached on Monday-Friday (9:00 am - 5:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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WILLIAM C. VAUGHN, JR.  
PRIMARY EXAMINER